Sectt. II-27—50,003—4-1-52.

Public (Secret) (1953 ) Department.

RS SERIES.

G.O. NO. 2024.

Dated 30. 7. 1953.

Read 1. & 2/9/53.

(Original to Mysore State.)

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[Despatch Abstract.]

Suits — bellary dist. — Hospet Municipality — House bearing no. 1036 — Appeal by landlord against H.R.C. no. 9/51 in the Court of Dist. Munsiff, Hospet — Defence — Sanctioned

ASSISTANT SECRETARY TO GOVERNMENT
4092
16 JUL 1953
CHIEF SECT.

REVENUE DEPARTMENT

Subject:

SUITS - (Bellary) - Hospet Municipality Ward NO.II House Bearing NO.136 H.R.C. 9/52 appeal against the orders of the rent Controller, Hospet, Petitioner, Dombala Raghavendra Char - Defence - sanction - requested.

Ref: W.NO.4825/53-1

Station: Madras. Dated: 14-7-1953

Sri W.R.S.Sathianathan, I.C.S., Commissioner of Land Revenue

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Sri A.R. Rajaratnam, I.A.S., Joint Secretary, Board of Revenue

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Read: G.O.Ms.NO.3007 Public (General-C) dated 29-12-52
From the Collector of East Godavari Ref:NO.10016/58 A.1. dated 7-7-1953

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REFERENCE:

Submitted to the Government.

2. The Board recommends that in the circumstances stated by the Government Pleader, Hospet, the defence of the appeal may be sanctioned.

R. Rajaratnam 15/7
For Joint Secretary

To the Secretary to Government, Public(General-C) Department,
Copy to the Collector of Bellary

PCP 14-7

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Copy of the letter: From the Collector of Bellary
Ref:NO.10016/53-A dated 7th July 1953

Sub: Suits - H.R.C. 9/52 Rent Controller's court, Hospet - Petitioner Dombala Raghavendra Char - appeal against the orders of the Rent Controller, Hospet Defence - sanction - requested.

In their order NO.3007 Public (General C) Department dated 29-12-52, the Government sanctioned the defence of the State of Madras in H.R.C.9/52 on the file of the Court of the Rent Controller, Hospet. The suit was dismissed. The petitioner has filed an appeal in the court of the District Munsiff, Hospet, The Government Pleader, Hospet who was asked to prepare a draft written statement for getting it approved by the Government, reports that there is no necessity to file any counter or written statement in the appeal. He further reports that he would present arguments against the grounds raised in the appeal petition and that formal sanction of the Government may be obtained for the defence of the suit in the appellate court.

2. I therefore, request that the Government may be addressed urgently for sanctioning defence of the appeal.

3. A copy of letter dated 4-7-53 from the Government Pleader, Hospet is enclosed.

Enc: Copy of the letter 4-7-53 from the Govt. Pleader Hospet,

/True copy/

Copy of the letter dated 4-7-53 from the Government Pleader, Hospet.

p.t.o.

Sub: H.R.C. NO.9/52 Rent Controller's Court, Hospet
Petitioner Dombalada Raghavendra Char - Appeal
before the principal district Munsiff, Hospet.

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The above appeal is posted to 7-7-53. There is no necessity to file any counter or written statement in the appeal. The petition for eviction was rejected on the ground that no eviction order could be made under sec. 7 3(a) sub section (3) under the provisions of Sec. 7 3(a) which bars such order when the building is let out to an Educational institution. But I had also argued that the petition was not maintainable as the Govt. was the tenant in this case. That point has not been taken up by the Rent Controller. The ground now taken by the appellant is that no evidence was recovered in regard to other grounds for eviction, viz., the Hostel being a source of nuisance to the neighbourhood, coming under section 7(iv) and that the tenant has committed acts of waste as are likely to impair materially the value or utility of the building etc., coming under section 7(iii). I have to present arguments against the grounds raised in the appeal petition. You may obtain sanction of the Government for the defence. I shall however appear and try to take time for the same. Even otherwise I shall have to argue the appeal if the court declines to grant time, as the appellant is in a mood to press for the early disposal.

/True Copy/

For Joint Secretary

4/7

Public (General-C) Dept.

G.O. Ms. No. 2024 d/30th July'53

Abstract.

SUITS - Bellary District - Hospet Municipality - House bearing No.1036 - Appeal by landlord against H.R.C. No. 9/52 in the Court of District Munsiff, Hospet - Defence - Sanctioned.

Read: G.O.Ms. No.3007, Pub.(Gl.-C), d/29-12-1952.
From the Board of Revenue, Ref.W.No.4825/53-1, dated 14th July 1953.

ORDER:

The Government sanction the defence of the State of Madras in the appeal against the orders of the Rent Controller, Hospet, in H.R.C. No.9/52, preferred by the landlord on the file of the Court of the District Munsiff, Hospet.

2. The Collector of Bellary is requested with the Pleader doing Govt. work in the District Munsiff Court, Hospet to make necessary arrangements for the defence.

~~of the appeal when it comes up for hearing.~~

To the Bd. of Rev., Madras.
" the Colly. of Bellary.
" the Home Dept.
" the Finance Dept.

Original to Mysore State.
Copy to Madras State.

(s.f., s.c.)

Note:

Please see the reference from the Board of Revenue in the c.f. The draft order above sanctioning defence of the appeal on the file of the Dist. Munsiff, Hospet, filed by the owner of Door No.1036 of Hospet Municipality against the orders of the Rent Controller, Hospet, in his H.R.C.No. 9/52, is subd. for approval. Home, Finance and Legal may see before issue.

Home / Legal / Fin

ASSISTANT SECRETARY TO GOVERNMENT HOME DEPARTMENT

Sub-(Genl.C)20
40 2a/53-1
24.7.53

(C.No. 153447/53).

Home (Ets. III) Dept.

The reference from the Bd. at pp. 1-2 ante and the Pub(Genl.) dept's note overleaf may be perused. It is presumed that when the appeal comes before the Ct. of the AT. Transfer Deptt, the colle. will engage the services of the Pleader doing Govt. work at that place.

The draft Order overleaf may be perused and the case passed on to Legal.

25/7/53

27.7.53 Legal(opn)

Legal (Opinions) Department

Home/153447/III/53
27.7.53

Paragraph 2 of the draft order has been suitably modified with reference to the note of Home Department above.

2. The other formal alterations indicated in red ink on the draft may be made.

29/7

Legal(Opn) 29.7.53

Legal(Opn)/12306/53
29/7/53

Finance

Fin(Expdr)

The draft order overleaf, as modified by Legal, may be accepted.

29/7/53

30/7/53

Pub (Genl)

Home Deptt.

(Issued Go.Ms.No. 2024, dt 30.7.53.)

31.7.53

Thro Pension

Fin. dt 30.7.53
61996/EC/53
30.7.53.

Special
Ref. C. 10016/53 A1.

Collector's Office, Bellary.
Dated. 25.7.53.

From

Sri. D.R.Sundaram I.A.S.,
Collector, Bellary.

To

The Secretary to Govt.,
Public (General C) Department,
Madras.

Sir,

Sub:- Suits (Bellary) Hospet Municipality- Ward No. II House bearing No. 136 H.R.C. 9/52- appeal against the order of the Rent Controller, Hospet- petitioner Bambala Raghavendra Char- Defence- sanction- Requested.

Ref:- Board's Ref. W. 4825/53-1 dated. 14.7.53.

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I invite the attention of the Govt. to the Board's reference cited above and request that telegraphic orders sanctioning the defence of the appeal may kindly be issued. The Government Pleader, Hospet reports that the appeal stands posted to 30.7.53.

For Collector.

Vr.s.25.7.

Copy to the Secretary to the Board of Revenue, Chepauk, Madras.
Copy to the Govt. Pleader, Hospet for information.

25.7.

15826

Ch II

Pubd gent-c) draft

Please see the letter from the Collr. of Bellary at p.t. ante. The connected file has been sent to Home/Legal/Finance with a draft order, sanctioning the defence of the appeal for acceptance in W.P. No. 4092/53-1, & 24.7.1953. It is, therefore, suld. that the Collr. of Bellary may be asked to engage the Govt. pleader and defend the case pending issue of formal orders.

Subject to orders, a draft O.T. is suld. for approval.

After issue, this may be sent to Home/Legal/Finance W.P., in continuation of the main file and they may be requested to expedite return of that file with their remarks.

27.7.53.

27.7.53

27.7.53.

155851 29/7/53

Home (ai) / Legal / Fin

ASSISTANT SECRETARY TO GOVERNMENT
20 VII 1953
HOME DEPARTMENT

(C.No. 15850/53)

Home (Ch. III) Dept.

The main file returned to by Pub (Genl.) on p. 2 ante was passed on to Legal on 27/7/53 with this Dept. U.O. No. 15344T (Ch III)/53 this may also be passed on to Legal (Opns) in continuation.

30.7.53 Legal (Opns)

Legal (Opinions A) Dept

Please see previous notes of Public (General-C) and Home pp 6-7 above. This file in question was sent to Finance Dept with this Dept U.O. No 12306/53-A dt 29-7-53. This may therefore be passed on to Finance in continuation.

31/7 Finance

Home 15850 Ch III/53
30/7/53.

Legal C.No. 1248/53
30/7/53
3.30 PM. OPB.

Legislative 1248/53
31/7/53

31/7/53
31.7.53

Finance (Exp.C)

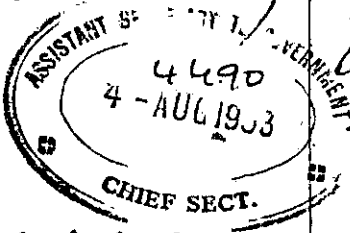
A/8

Pub.(Genl.C) G.O. in continuation of this Dept's G.O No. 6199G/E.C/53-1 dt. 30.7.53.

3.8.53 Asst 3853

3/8/53

Pub.(Genl)




Fin. Leg. 62562/EC/53

3-8-53

P(Gen-C) Dept.

These papers may be filed with those in the C.F. as the file closed. [Orders have already been issued in G.O. No: 2024 Pub(Gl) dt 30.7.53 - vide p3 cf. in C.F.]

27.8.53.

28/8/53.

28.8.53

Publ. Gen. (C) Dept.

Memo. No 4092/53-2 Dt 28th July '53

Sub: Buildings – M.B. (L. & R.C.) Act, 1949 – Hospet Municipality – Bellary dist. – House No. 136 of Ward No. II – Appeal by owner against H.R.C. No. 9/52 – Defence – Sanction of.

Ref: From the Collr. of Bellary, No. C-10016/53.A1, Dt 25.7.1953.

(1)

The Collr. of Bellary is informed that, pending issue of formal orders of the Govt in due course, he may engage the Govt Pleader, Hospet, and defend the appeal against the order of the R.C., Hospet in H.R. No. 9/52 on the file of the Sanitary Hospet

Sd/-
27.7.53.

Dy Secy
27.7.53.

Under Secy
27.7.53

5 annas

ADMITTED to
1st only

Dy/28/7.

To
The Collr. of Bellary.
Copy to Govt. Pleader, Hospet.
" " Secy., Council of Rev., Hampi.

To go by Express delivery
As one to Govt.